

**Debevoise
& Plimpton**

Debevoise & Plimpton LLP
66 Hudson Boulevard
New York, NY 10001
+1 212 909 6000

Megan K. Bannigan
Partner
mkbannigan@debevoise.com
+1 212 909 6127

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BY ECF

MEMO ENDORSED

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Hon. Valerie E. Caproni
United States District Court for the Southern District of New York
40 Foley Square, Room 443
New York, New York 10007

Nike, Inc. v. StockX LLC, No. 22 CV 983 (VC) (SN)

Dear Judge Caproni:

Pursuant to Your Honor's Individual Rule 5(B)(ii), Defendant StockX LLC ("StockX") and Plaintiff Nike, Inc. ("Nike," and together with StockX, the "Parties") respectfully submit this joint letter requesting the sealed treatment of the Parties' replies to their respective *Daubert* motions to preclude proffered expert testimony (the "Replies"), *see* ECF Nos. 189 and 192.

In support of the Replies, the Parties each cite to material that has been designated confidential pursuant to the Stipulated Protective Order in this case (Dkt. No. 52), including expert reports and the transcripts of depositions.

As required by the Stipulated Protective Order, and in accordance with Your Honor's practices, the Parties will file redacted public versions of the Replies and supporting materials where appropriate. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) ("[C]ourts in this District routinely seal documents to prevent the disclosure of a party's confidential or competitively sensitive business information."); *Regeneron Pharms., Inc. v. Novartis Pharma AG*, 2021 WL 243943, at *1 (S.D.N.Y. Jan. 25, 2021) (collecting cases).

In order to permit the Parties an opportunity to review the opposing Party's Reply and associated exhibits, and confer with their clients regarding any necessary sealed treatment, the Parties jointly request that the Court approve the following schedule for exchanging and filing proposed redactions: (1) the Parties shall exchange proposed redactions for their confidential information by Wednesday, November 22, 2023; and (2) the Parties shall each file, under seal, their proposed redactions with the Court by Wednesday, November 29, 2023, along with a publicly-filed letter justifying sealed treatment. This proposed procedure aligns with the procedure for treatment of the Parties' *Daubert* opposition briefing, ordered by the Court on November 3, 2023. *See* ECF No. 213. Further, the Parties believe that this process will ensure any proposed redactions are judiciously applied and will permit the Parties the opportunity to adequately justify their proposals under *Lugosch v. Pyramid Co. of Onondaga*.

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Respectfully submitted,

/s/ Tamar Y. Duvdevani

DLA PIPER LLP (US)

Tamar Y. Duvdevani
Marc E. Miller
Michael D. Hynes
Andrew J. Peck
Jared Greenfield
1251 Avenue of The Americas, 27th Fl.
New York, NY 10020
Telephone: (212) 335-4500
Facsimile: (212) 335-4501

Michael Fluhr
555 Mission Street, Suite 2400
San Francisco, CA 94105
Telephone: (415) 836-2500
Facsimile: (415) 836-2501

Melissa Reinckens
4365 Executive Drive, Suite 1100
San Diego, CA 92121
Telephone: (858) 677-1400
Facsimile: (858) 677-1401

Jane W. Wise
500 Eighth Street, NW
Washington, D.C. 20004
Telephone: (202) 799-4149
Facsimile: (202) 863-7849

Attorneys for Plaintiff Nike, Inc

/s/ Megan K. Bannigan

Megan K. Bannigan
David H. Bernstein
Jyotin Hamid
Justin C. Ferrone
Kathryn C. Saba
DEBEVOISE & PLIMPTON LLP
66 Hudson Boulevard
New York, NY 10001
Telephone: (212) 909-6000

Christopher S. Ford
DEBEVOISE & PLIMPTON LLP
650 California Street
San Francisco, CA 94108
Telephone: (415) 738-5700

David Mayberry
Rob Potter
KILPATRICK TOWNSEND & STOCKTON LLP
1114 Avenue of the Americas
New York, NY 10036
Telephone: (212) 775-8733

Jeffrey B. Morganroth
MORGANROTH & MORGANROTH, PLLC
344 N. Old Woodward Ave, #200
Birmingham, MI 48075
Telephone: (248) 864-4001

Attorneys for Defendant StockX LLC

cc All counsel of record (via ECF)

Application GRANTED.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

11/19/2023